

## **REVIEW OF CODE OF CONDUCT FOR MEMBERS AND STANDARDS COMPLAINTS ARRANGEMENTS**

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Wards affected: All

### **PROPOSED DECISION**

To note the report and to consider arrangements for future review of the current Code of Conduct for Members and Standards Complaints process.

#### **Corporate Implications**

1. The Localism Act 2011, Sections 26 - 37 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the current legislative framework relating to standards of conduct for elected members and arrangements for handling member standards complaints.

#### **Executive Summary**

2. This report invites the Committee to consider current arrangements and a potential review.

#### **Sustainable Community Strategy/Council Priorities - Implications**

3. Continuing to monitor the current arrangements supports the Community Involvement theme of the Sustainable Community Strategy.

#### **Background and Issues**

4. The current Standards arrangements for local authority members came into force on 1 July 2012. Earlier reports to the Committee have explained various aspects in detail. When repealing the former standards framework including the Standards Board and the national model code, there was an expectation from central government that arrangements for the standards of conduct of local authority members would become "lighter touch" than they had been previously, particularly in terms of complaint handling arrangements, and the Localism Act 2011 simply provided that Council Member Codes should be, when viewed as a whole, consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership, and must include the provision the Council considers appropriate in respect of registration and disclosure of pecuniary interests and other interests, with a set of Regulations backing up the interests requirements.
5. Beyond that, there is a degree of flexibility which can be exercised by Councils in the content of their Codes, but at the outset in 2012, rather than envisage a proliferation of different Codes across the country, most Councils (bearing in mind how late the legislation was finalised before coming into force) opted for one of a small number of shorter than previous, yet essentially similar, "models" that

had emerged at the time from national groups such as ACSeS, and WDC also chose, at the time, to adopt one of these models.

6. At its meeting on 27 March 2012, in noting the emerging position, and before the final picture under the Localism Act was clear, Standards Committee agreed to recommend to full Council, amongst other things, “that Council strongly recommend to fellow authorities in Buckinghamshire that there be a shared common code of conduct under the new Standards Regime along with common arrangements in respect of complaints submitted thereunder”.
7. At the 27 June 2012 meeting, just before the new arrangements came into force on 1 July, Standards Committee agreed to recommend to Council the current Code, subject to consultation with the political group leaders having been carried out. The current Code and complaints arrangements remain those that were agreed in 2012. They have therefore now been in place for over two years, so at this point it may be a suitable time to consider their operation.
8. So far, there has been a total of 30 complaints under the current Code and arrangements. All have been dealt with by way of no further action or other informal resolution, and so far, none have been referred for investigation and no local hearings have been necessary.
9. Members are invited to note the background and consider whether a review of the Code and/or complaints process is required. If a review is considered to be required, it will be necessary for work to be done to collate and compare Codes and arrangements in other parts of the country, including Buckinghamshire, so that a more detailed report can be prepared and presented to a future meeting. Prior consultation with the Group Leaders would also be necessary.

## **Options**

10. The options are:
  - i. Leave the current Code and complaints arrangements unchanged for the time being;
  - ii. Consider amendments to the Code but leave the complaints arrangements unchanged;
  - iii. Make no changes to the Code but consider changes to the complaints arrangements;
  - iv. Consider amendments to both Code and complaints arrangements.

## **Next Steps**

11. If it is concluded that further work needs to be done to review the Code and arrangements, consultation of Group Leaders, and dependent upon the responses to that consultation, a further report to this Committee.

## **Background Papers**

None.